

**IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF MISSOURI
CENTRAL DIVISION**

DANIEL PAUL SKIPPER, Register No. 328366,)
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Plaintiff,)
)
)
v.) No. 07-4201-CV-C-NKL
)
)
DAVID MURPHY, et al.,)
)
)
)
Defendants.)

ORDER

On June 26, 2008, United States Magistrate Judge William A. Knox recommended dismissing plaintiff's claims against defendants Wendell Enloe, Sandra Webb, Tina Sutton, Dave Dormire, Bill Galloway, Arthur Woods, John James, and Jay Cassady. The parties were advised they could file written exceptions to the recommendation, pursuant to 28 U.S.C. § 636(b)(1)(C).

The court has conducted a de novo review of the record¹, including the exceptions filed by plaintiff on July 2, 2008. The issues raised in plaintiff's exceptions were adequately addressed in the report and recommendation. The court is persuaded that the recommendation of the Magistrate Judge is correct and should be adopted.

IT IS, THEREFORE, ORDERED that the Report and Recommendation of June 26, 2008, is adopted. [183] It is further

¹Court proceedings, if any, are recorded by electronic recording equipment and the tapes are available for review by the court and counsel.

ORDERED that the motions of defendants Wendell Enloe, Sandra Webb, Tina Sutton, Dave Dormire, Bill Galloway, Arthur Woods, John James, and Jay Cassady to dismiss are granted, and plaintiff's claims against said defendants are dismissed, with prejudice, for failure to state a claim, with the exception of plaintiff's claim regarding environmental tobacco smoke, which is dismissed, without prejudice, pursuant to 42 U.S.C. § 1997e, for failure to exhaust administrative remedies.
[72, 100]

/s Nanette K. Laughrey

NANETTE K. LAUGHREY
United States District Judge

Dated: August 8, 2008
Jefferson City, Missouri